

109TH CONGRESS
1ST SESSION

S. 2164

To amend titles IV, XVIII, and XIX of the Social Security Act to improve the provision of care under the programs under such titles, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 21, 2005

Mrs. STABENOW, (for herself, Mr. REID, Mr. BAUCUS, Mr. NELSON of Nebraska, Mr. BINGAMAN, Mr. KENNEDY, Mrs. CLINTON, Mr. ROCKEFELLER, Mr. DAYTON, Mrs. LINCOLN, and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend titles IV, XVIII, and XIX of the Social Security Act to improve the provision of care under the programs under such titles, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Health and Welfare Relief Act of 2005”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENERAL PROVISIONS

- Sec. 101. Update for physicians' services for 2006.
- Sec. 102. Development of a strategic plan regarding physician investment in specialty hospitals.
- Sec. 103. Three-year transition of hold harmless payments for small rural hospitals under the prospective payment system for hospital outpatient department services.
- Sec. 104. Update to the composite rate component of the basic case-mix adjusted prospective payment system for dialysis services.
- Sec. 105. One-year extension of moratorium on therapy caps.
- Sec. 106. Applying rural home health add-on policy in 2006.
- Sec. 107. State high risk health insurance pool funding.
- Sec. 108. Extension of the temporary assistance for needy families block grant program through December 31, 2006.
- Sec. 109. Extension of the national random sample study of child welfare and child welfare waiver authority through December 31, 2006.
- Sec. 110. Extension of transitional medical assistance (TMA) and abstinence education program.
- Sec. 111. Implementation funding.

TITLE II—EMERGENCY HEALTH CARE AND OTHER RELIEF FOR SURVIVORS OF HURRICANE KATRINA

Subtitle A—Emergency Health Care Relief

- Sec. 201. Definitions.
- Sec. 202. Disaster relief medicaid.
- Sec. 203. Targeted medicaid relief for major disaster parishes and counties in Louisiana, Mississippi, and Alabama.
- Sec. 204. Authority to waive requirements during national emergencies with respect to evacuees from an emergency area.
- Sec. 205. Emergency assistance for States with significant numbers of evacuees with respect to the Federal medical assistance percentage for fiscal year 2006.
- Sec. 206. Emergency assistance to medicare beneficiaries.
- Sec. 207. Relief for hospitals located in a direct impact parish or county.
- Sec. 208. Disaster relief fund.

Subtitle B—TANF Relief

- Sec. 211. Reimbursement of States for TANF benefits provided to assist families of States affected by Hurricane Katrina.
- Sec. 212. Increase in amount of additional TANF funds available for hurricane-damaged States.
- Sec. 213. Rules for receipt of Hurricane Katrina emergency TANF benefits and application to child support requirements.

Subtitle C—Miscellaneous Provisions

- Sec. 221. Disclosure based on valid authorization.
- Sec. 222. Emergency procurement authority in support of Hurricane Katrina rescue and relief efforts.

1 **TITLE I—GENERAL PROVISIONS**

2 **SEC. 101. UPDATE FOR PHYSICIANS' SERVICES FOR 2006.**

3 (a) UPDATE FOR 2006.—Section 1848(d) of the So-
4 cial Security Act (42 U.S.C. 1395w-4(d)) is amended—

5 (1) in paragraph (4)(B), in the matter pre-
6 ceding clause (i), by striking “paragraph (5)” and
7 inserting “paragraphs (5) and (6)”; and

8 (2) by adding at the end the following new
9 paragraph:

10 “(6) UPDATE FOR 2006.—The update to the
11 single conversion factor established in paragraph
12 (1)(C) for 2006 shall be 0 percent.”.

13 (b) NOT TREATED AS CHANGE IN LAW AND REGULA-
14 TION IN SUSTAINABLE GROWTH RATE DETERMINA-
15 TION.—The amendments made by subsection (a) shall not
16 be treated as a change in law for purposes of applying
17 section 1848(f)(2)(D) of the Social Security Act (42
18 U.S.C. 1395w-4(f)(2)(D)).

19 (c) MEDPAC REPORT.—

20 (1) IN GENERAL.—By not later than March 1,
21 2007, the Medicare Payment Advisory Commission
22 shall submit a report to Congress on mechanisms
23 that could be used to replace the sustainable growth
24 rate system under section 1848(f) of the Social Se-
25 curity Act (42 U.S.C. 1395w-4(f)).

1 (2) REQUIREMENTS.—The report required
2 under paragraph (1) shall—

3 (A) identify and examine alternative meth-
4 ods for assessing volume growth;

5 (B) review options to control the volume of
6 physicians' services under the Medicare pro-
7 gram while maintaining access to such services
8 by Medicare beneficiaries;

9 (C) examine the application of volume con-
10 trols under the Medicare physician fee schedule
11 under section 1848 of the Social Security Act
12 (42 U.S.C. 1395w-4);

13 (D) identify levels of application of volume
14 controls, such as group practice, hospital med-
15 ical staff, type of service, geographic area, and
16 outliers;

17 (E) examine the administrative feasibility
18 of implementing the options reviewed under
19 subparagraph (B), including the availability of
20 data and time lags;

21 (F) examine the extent to which the alter-
22 native methods identified and examined under
23 subparagraph (A) should be specified in such
24 section 1848; and

(G) identify the appropriate level of discretion for the Secretary of Health and Human Services to change payment rates under the Medicare physician fee schedule or otherwise take steps that affect physician behavior.

Such report shall include such recommendations on alternative mechanisms to replace the sustainable growth rate system as the Medicare Payment Advisory Commission determines appropriate.

(3) FUNDING.—Out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Medicare Payment Advisory Commission \$550,000, to carry out this subsection.

(d) PREMIUM TRANSITION RULE.—

(1) 2006.—

(A) PREMIUM.—Nothing in this subsection shall be construed as modifying the premium previously computed under section 1839 of the Social Security Act (42 U.S.C. 1395r) for months in 2006.

(B) GOVERNMENT CONTRIBUTION.—In computing the amount of the Government contribution under section 1844(a) of the Social Security Act (42 U.S.C. 1395w(a)) for months in 2006, the Secretary of Health and Human

Services shall compute and apply a new actuarially adequate rate per enrollee age 65 and over under section 1839(a)(1) of such Act (42 U.S.C. 1395r(a)(1)) taking into account the provisions of this section.

(2) 2007.—

(A) PREMIUM.—The monthly premium under section 1839 of the Social Security Act (42 U.S.C. 1395r) for months in 2007 shall be computed as if this section had not been enacted.

(B) GOVERNMENT CONTRIBUTION.—The Government contribution under section 1844(a) of the Social Security Act (42 U.S.C. 1395w(a)) for months in 2007 shall be computed taking into account the provisions of this section, including subparagraph (A).

SEC. 102. DEVELOPMENT OF A STRATEGIC PLAN REGARDING PHYSICIAN INVESTMENT IN SPECIALTY HOSPITALS.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the “Secretary”) shall develop a strategic and implementing plan to address issues described in para-

graph (2) regarding physician investment in specialty hospitals (as defined in section 1877(h)(7)(A) of the Social Security Act (42 U.S.C. 1395nn(h)(7)(A)).

(2) ISSUES DESCRIBED.—The issues described in this paragraph are the following:

(A) Proportionality of investment return.

(B) Bona fide investment.

(C) Annual disclosure of investment information.

(D) The provision by specialty hospitals of—

(i) care to patients who are eligible for medical assistance under a State plan approved under title XIX of the Social Security Act, including patients not so eligible but who are regarded as such because they receive benefits under a demonstration project approved under title XI of such Act; and

(ii) charity care.

(E) Appropriate enforcement.

(b) REPORTS.—

(1) INTERIM REPORT.—Not later than 3 months after the date of the enactment of this Act,

1 the Secretary shall submit an interim report to the
 2 appropriate committees of jurisdiction of Congress
 3 on the status of the development of the plan under
 4 subsection (a).

5 (2) FINAL REPORT.—Not later six months after
 6 the date of the enactment of this Act, the Secretary
 7 shall submit a final report to the appropriate com-
 8 mittees of jurisdiction of Congress on the plan devel-
 9 oped under subsection (a) together with rec-
 10 ommendations for such legislation and administra-
 11 tive actions as the Secretary considers appropriate.

12 (c) CONTINUATION OF SUSPENSION ON ENROLL-
 13 MENT.—

14 (1) IN GENERAL.—Subject to paragraph (2),
 15 the Secretary shall continue the suspension on en-
 16 rollment of new specialty hospitals (as so defined)
 17 under title XVIII of the Social Security Act until the
 18 earlier of—

19 (A) the date that the Secretary submits
 20 the final report under subsection (b)(2); or

21 (B) the date that is six months after the
 22 date of the enactment of this Act.

23 (2) EXTENSION OF SUSPENSION.—If the Sec-
 24 retary fails to submit the final report described in

1 subsection (b)(2) by the date required under such
 2 subsection, the Secretary shall—

3 (A) extend the suspension on enrollment
 4 under paragraph (1) for an additional two
 5 months; and

6 (B) provide a certification to the appro-
 7 priate committees of jurisdiction of Congress of
 8 such failure.

9 (d) WAIVER.—In developing the plan and report re-
 10 quired under this section, the Secretary may waive such
 11 requirements of section 553 of title 5, United States Code,
 12 as the Secretary determines necessary.

13 (e) FUNDING.—Out of any funds in the Treasury not
 14 otherwise appropriated, there are appropriated to the Sec-
 15 retary for fiscal year 2006, \$2,000,000 to carry out this
 16 section.

17 **SEC. 103. THREE-YEAR TRANSITION OF HOLD HARMLESS**
 18 **PAYMENTS FOR SMALL RURAL HOSPITALS**
 19 **UNDER THE PROSPECTIVE PAYMENT SYSTEM**
 20 **FOR HOSPITAL OUTPATIENT DEPARTMENT**
 21 **SERVICES.**

22 Section 1833(t)(7)(D)(i) of the Social Security Act
 23 (42 U.S.C. 1395l(t)(7)(D)(i)) is amended—

24 (1) by inserting “(I)” before “In the case”; and

1 (2) by adding at the end the following new sub-
 2 clause:

3 “(II) In the case of a hospital located
 4 in a rural area and that has not more than
 5 100 beds and that is not a sole community
 6 hospital (as defined in section
 7 1886(d)(5)(D)(iii)), for covered OPD serv-
 8 ices furnished on or after January 1, 2006,
 9 and before January 1, 2009, for which the
 10 PPS amount is less than the pre-BBA
 11 amount, the amount of payment under this
 12 subsection shall be increased by the appli-
 13 cable percentage of the amount of such dif-
 14 ference. For purposes of the previous sen-
 15 tence, with respect to covered OPD serv-
 16 ices furnished during 2006, 2007, or 2008,
 17 the applicable percentage shall be 95 per-
 18 cent, 90 percent, and 85 percent, respec-
 19 tively.”.

20 **SEC. 104. UPDATE TO THE COMPOSITE RATE COMPONENT**
 21 **OF THE BASIC CASE-MIX ADJUSTED PRO-**
 22 **SPECTIVE PAYMENT SYSTEM FOR DIALYSIS**
 23 **SERVICES.**

24 Section 1881(b)(12) of the Social Security Act (42
 25 U.S.C. 1395rr(b)(12)) is amended—

1 (1) in subparagraph (F), in the flush matter at
 2 the end, by striking “Nothing” and inserting “Ex-
 3 cept as provided in subparagraph (G), nothing”;

4 (2) by redesignating subparagraph (G) as sub-
 5 paragraph (H); and

6 (3) by inserting after subparagraph (F) the fol-
 7 lowing new subparagraph:

8 “(G) The Secretary shall increase the amount of the
 9 composite rate component of the basic case-mix adjusted
 10 system under subparagraph (B) for dialysis services fur-
 11 nished on or after January 1, 2006, by 1.6 percent above
 12 the amount of such composite rate component for such
 13 services furnished on December 31, 2005.”.

14 **SEC. 105. ONE-YEAR EXTENSION OF MORATORIUM ON**
 15 **THERAPY CAPS.**

16 Section 1833(g)(4) of the Social Security Act (42
 17 U.S.C. 1395l(g)(4)) is amended by striking “and 2005”
 18 and inserting “2005, and 2006”.

19 **SEC. 106. APPLYING RURAL HOME HEALTH ADD-ON POLICY**
 20 **IN 2006.**

21 Section 421(a) of Medicare Prescription Drug, Im-
 22 provement, and Modernization Act of 2003 (Public Law
 23 108–173; 117 Stat. 2283) is amended by inserting “and
 24 episodes and visits beginning on or after January 1, 2006,
 25 and before January 1, 2007,” after “April 1, 2005,”.

1 **SEC. 107. STATE HIGH RISK HEALTH INSURANCE POOL**
2 **FUNDING.**

3 (a) IN GENERAL.—There are hereby authorized and
4 appropriated for fiscal year 2006—

5 (1) \$75,000,000 for grants under subsection
6 (b)(1) of section 2745 of the Public Health Service
7 Act (42 U.S.C. 300gg–45); and

8 (2) \$15,000,000 for grants under subsection (a)
9 of such section.

10 (b) TREATMENT.—The amount appropriated
11 under—

12 (1) paragraph (1) shall be treated as if it had
13 been appropriated under subsection (c)(2) of such
14 section; and

15 (2) paragraph (2) shall be treated as if it had
16 been appropriated under subsection (c)(1) of such
17 section.

18 (c) REFERENCES.—Effective upon the enactment of
19 the State High Risk Pool Funding Extension Act of
20 2005—

21 (1) subsection (a)(1) of this section is amended
22 by striking “subsection “(b)(1)” and inserting “sub-
23 sections (b)(2) and (c)(3)”;

24 (2) subsection (b)(1) of this section is amended
25 by striking “(c)(2)” and inserting “(d)(1)(B)”;

1 (3) in subsection (b)(2) of this section, by strik-
 2 ing “(c)(1)” and inserting “(d)(1)(A)”.

3 **SEC. 108. EXTENSION OF THE TEMPORARY ASSISTANCE**
 4 **FOR NEEDY FAMILIES BLOCK GRANT PRO-**
 5 **GRAM THROUGH DECEMBER 31, 2006.**

6 (a) IN GENERAL.—Effective as if enacted on Decem-
 7 ber 31, 2005, activities authorized by part A of title IV
 8 and section 1108(b) of the Social Security Act (adjusted,
 9 as applicable, by or under the TANF Emergency Response
 10 and Recovery Act of 2005) shall continue through Decem-
 11 ber 31, 2006, in the manner authorized for fiscal year
 12 2005, and out of any money in the Treasury of the United
 13 States not otherwise appropriated, there are hereby appro-
 14 priated such sums as may be necessary for such purpose.
 15 Grants and payments may be made pursuant to this au-
 16 thority on a quarterly basis through the first quarter of
 17 fiscal year 2007 at the level provided for such activities
 18 for each corresponding quarter of fiscal year 2005 (or, as
 19 applicable, at such greater level as may result from the
 20 application of the TANF Emergency Response and Recov-
 21 ery Act of 2005).

22 (b) CONFORMING AMENDMENTS.—Part A of title IV
 23 of the Social Security Act (42 U.S.C. 601 et seq.) is
 24 amended—

1 (1) in section 403(a)(3)(H)(ii), by striking
 2 “2005” and inserting “2006”;

3 (2) in section 403(b)(3)(C)(ii), by striking
 4 “2006” and inserting “2007”; and

5 (3) in section 409(a)(7)—

6 (A) in subparagraph (A), by striking “or
 7 2007” and inserting “2007, or 2008”; and

8 (B) in subparagraph (B)(ii), by striking
 9 “2006” and inserting “2007”.

10 **SEC. 109. EXTENSION OF THE NATIONAL RANDOM SAMPLE**
 11 **STUDY OF CHILD WELFARE AND CHILD WEL-**
 12 **FARE WAIVER AUTHORITY THROUGH DECEM-**
 13 **BER 31, 2006.**

14 Effective as if enacted on December 31, 2005, activi-
 15 ties authorized by sections 429A and 1130(a) of the Social
 16 Security Act shall continue through December 31, 2006,
 17 in the manner authorized for fiscal year 2005, and out
 18 of any money in the Treasury of the United States not
 19 otherwise appropriated, there are hereby appropriated
 20 such sums as may be necessary for such purpose. Grants
 21 and payments may be made pursuant to this authority on
 22 a quarterly basis through the first quarter of fiscal year
 23 2007 at the level provided for such activities for each cor-
 24 responding quarter of fiscal year 2005.

1 **SEC. 110. EXTENSION OF TRANSITIONAL MEDICAL ASSIST-**
2 **ANCE (TMA) AND ABSTINENCE EDUCATION**
3 **PROGRAM.**

4 Effective as if enacted on December 31, 2005, activi-
5 ties authorized by sections 510 and 1925 of the Social Se-
6 curity Act shall continue through December 31, 2006, in
7 the manner authorized for fiscal year 2005, notwith-
8 standing section 1902(e)(1)(A) of such Act, and out of
9 any money in the Treasury of the United States not other-
10 wise appropriated, there are hereby appropriated such
11 sums as may be necessary for such purpose. Grants and
12 payments may be made pursuant to this authority on a
13 quarterly basis through the first quarter of fiscal year
14 2007 at the level provided for such activities for each cor-
15 responding quarter of fiscal year 2005.

16 **SEC. 111. IMPLEMENTATION FUNDING.**

17 For purposes of implementing the provisions of, and
18 amendments made by, this Act—

19 (1) the Secretary of Health and Human Serv-
20 ices shall provide for the transfer, in appropriate
21 part from the Federal Hospital Insurance Trust
22 Fund established under section 1817 of the Social
23 Security Act (42 U.S.C. 1395i) and the Federal
24 Supplementary Medical Insurance Trust Fund es-
25 tablished under section 1841 of such Act (42 U.S.C.
26 1395t), of \$30,000,000 to the Centers for Medicare

1 & Medicaid Services Program Management Account
2 for fiscal year 2006; and

3 (2) out of any funds in the Treasury not other-
4 wise appropriated, there are appropriated to such
5 Secretary for the Centers for Medicare & Medicaid
6 Services Program Management Account,
7 \$30,000,000 for fiscal year 2006.

8 **TITLE II—EMERGENCY HEALTH**
9 **CARE AND OTHER RELIEF**
10 **FOR SURVIVORS OF HURRI-**
11 **CANE KATRINA**

12 **Subtitle A—Emergency Health**
13 **Care Relief**

14 **SEC. 201. DEFINITIONS.**

15 In this subtitle:

16 (1) DIRECT IMPACT PARISH OR COUNTY.—

17 (A) IN GENERAL.—The term “direct im-
18 pact parish or county” means a parish in the
19 State of Louisiana, or a county in the State of
20 Mississippi or Alabama, for which a major dis-
21 aster has been declared in accordance with sec-
22 tion 401 of the Robert T. Stafford Disaster Re-
23 lief and Emergency Assistance Act (42 U.S.C.
24 5170) as a result of Hurricane Katrina and
25 which the President has determined, before

1 September 14, 2005, warrants individual and
2 public assistance from the Federal Government
3 under such Act.

4 (B) EXCLUSION.—Such term does not in-
5 clude a parish in the State of Louisiana or a
6 county in the State of Mississippi or Alabama
7 which the President has determined warrants
8 only public assistance from the Federal Govern-
9 ment under such Act as a result of Hurricane
10 Katrina.

11 (C) AUTHORITY TO RELY ON WEB SITE
12 POSTED DESIGNATIONS.—The Secretary of
13 Health and Human Services shall post on the
14 Internet Web site for the Centers for Medicare
15 & Medicaid Services a list of parishes and coun-
16 ties identified as direct impact parishes or coun-
17 ties in accordance with this paragraph. Any
18 such parish or county that is posted on such
19 Web site as a direct impact parish or county
20 shall be treated for purposes of subparagraph
21 (A) as described in such subparagraph.

22 (2) DRM ASSISTANCE.—The term “DRM as-
23 sistance” means the short-term, non-cash, tem-
24 porary, in-kind, emergency disaster relief health pro-

1 gram established under section 202 to assist Katrina
2 Survivors in accordance with that section.

3 (3) DRM COVERAGE PERIOD.—

4 (A) IN GENERAL.—The term “DRM cov-
5 erage period” means the period beginning on
6 August 28, 2005, and, subject to subparagraph
7 (B), ending on the date that is 5 months after
8 the date of enactment of this Act.

9 (B) AUTHORITY TO EXTEND DRM COV-
10 ERAGE PERIOD.—

11 (i) IN GENERAL.—The Secretary may
12 extend the DRM coverage period for an
13 additional 5 months. Any reference to the
14 term “DRM coverage period” in this sub-
15 title shall include any extension under this
16 clause.

17 (ii) NOTICE TO CONGRESS AND
18 STATES.—The Secretary shall notify the
19 Majority and Minority Leaders of the Sen-
20 ate, the Speaker of the House of Rep-
21 resentatives, the Minority Leader of the
22 House of Representatives, the Chairs and
23 Ranking Members of the Committee on Fi-
24 nance of the Senate and the Committees
25 on Energy and Commerce and Ways and

1 Means of the House of Representatives,
2 and the States at least 45 days prior to—

3 (I) extending the DRM coverage
4 period; or

5 (II) if the Secretary determines
6 not to extend such period, the ending
7 date described in subparagraph (A).

8 (4) KATRINA SURVIVOR.—

9 (A) IN GENERAL.—The term “Katrina
10 Survivor” means an individual who is described
11 in subparagraph (B) or (C).

12 (B) RESIDENTS AND EVACUEES OF DIRECT
13 IMPACT PARISHES AND COUNTIES.—An indi-
14 vidual who, on any day during the week pre-
15 ceding August 28, 2005, had a primary resi-
16 dence in a direct impact parish or county.

17 (C) INDIVIDUALS WHO LOST EMPLOY-
18 MENT.—An individual whose—

19 (i) worksite, on any day during the
20 week preceding August 28, 2005, was lo-
21 cated in a direct impact parish or county;
22 and

23 (ii) employment with an employer
24 which conducted an active trade or busi-
25 ness on August 28, 2005, in a direct im-

1 pact parish or county and with respect to
 2 whom such trade or business is inoperable
 3 on any day after August 28, 2005, and be-
 4 fore January 1, 2006, as a result of dam-
 5 age sustained in connection with Hurricane
 6 Katrina, is terminated.

7 (D) TREATMENT OF CURRENT MEDICAID
 8 BENEFICIARIES.—Nothing in this subtitle shall
 9 be construed as preventing an individual who is
 10 otherwise entitled to medical assistance under
 11 title XIX of the Social Security Act from being
 12 treated as a Katrina Survivor under this sub-
 13 title.

14 (E) TREATMENT OF HOMELESS PER-
 15 SONS.—For purposes of this subtitle, in the
 16 case of an individual who was homeless on any
 17 day during the week described in subparagraph
 18 (B), the individual’s “residence” shall be
 19 deemed to be the place of residence as other-
 20 wise determined for such an individual under
 21 title XIX of the Social Security Act.

22 (5) POVERTY LINE.—The term “poverty line”
 23 has the meaning given that term in section
 24 2110(c)(5) of the Social Security Act (42 U.S.C.
 25 1397jj(c)(5)).

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of Health and Human Services.

3 (7) STATE.—The term “State” has the mean-
4 ing given that term for purposes of title XIX of the
5 Social Security Act (42 U.S.C 1396 et seq.).

6 (8) STATE MEDICAID PLAN.—The term “State
7 Medicaid plan” means a State plan for medical as-
8 sistance under title XIX of the Social Security Act
9 (42 U.S.C. 1396 et seq.), including any medical as-
10 sistance provided under a waiver of such plan.

11 **SEC. 202. DISASTER RELIEF MEDICAID.**

12 (a) AUTHORITY TO PROVIDE DISASTER RELIEF
13 MEDICAID.—

14 (1) IN GENERAL.—Notwithstanding any provi-
15 sion of title XIX of the Social Security Act, a State
16 shall, as a condition of participation in the Medicaid
17 program established under title XIX of the Social
18 Security Act (42 U.S.C. 1396 et seq.), provide med-
19 ical assistance to DRM-eligible Katrina Survivors
20 (as defined in subsection (b)) under a State Med-
21 icaid plan during the DRM coverage period in ac-
22 cordance with the following provisions of this sec-
23 tion.

1 (2) AUTHORITY TO PROVIDE DRM ASSISTANCE
 2 AS SEPARATE COMPONENT OF REGULAR STATE MED-
 3 ICAID PLAN OR UNDER SUCH PLAN.—

4 (A) IN GENERAL.—A State may provide
 5 DRM assistance without submitting an amend-
 6 ment to the State Medicaid plan and as a sepa-
 7 rate component of the State Medicaid plan or,
 8 subject to subparagraph (B), under such plan.

9 (B) CONDITIONS FOR PROVISION OF DRM
 10 ASSISTANCE UNDER REGULAR STATE MEDICAID
 11 PLAN.—A State may only provide DRM assist-
 12 ance under the State Medicaid plan if the State
 13 provides such assistance in accordance with the
 14 requirements of this section and the State is
 15 able to separately identify and report expendi-
 16 tures or other information attributable to the
 17 provision of such assistance.

18 (b) DRM-ELIGIBLE KATRINA SURVIVOR DE-
 19 FINED.—

20 (1) IN GENERAL.—In this section, the term
 21 “DRM-eligible Katrina Survivor” means a Katrina
 22 Survivor whose family income does not exceed the
 23 higher of—

1 (A) 100 percent (200 percent, in the case
 2 of such a Survivor who is a pregnant woman or
 3 child) of the poverty line; or

4 (B) the income eligibility standard which
 5 would apply to the Survivor under the State
 6 Medicaid plan.

7 (2) SPECIAL RULE FOR KATRINA SURVIVORS
 8 WHO ARE RECIPIENTS OF DISABILITY INSURANCE
 9 BENEFITS.—In the case of a Katrina Survivor who
 10 is a recipient of disability insurance benefits under
 11 section 202 or 223 of the Social Security Act (42
 12 U.S.C. 402, 423), paragraph (1) shall be applied to
 13 such Survivor by substituting “300 percent of the
 14 supplemental security income benefit rate estab-
 15 lished by section 1611(b)(1) of the Social Security
 16 Act (42 U.S.C. 1382(b)(1))” for subparagraph (A)
 17 of such paragraph.

18 (3) NO RESOURCES, RESIDENCY, OR CATEGOR-
 19 ICAL ELIGIBILITY REQUIREMENTS.—Eligibility
 20 under paragraph (1) shall be determined without ap-
 21 plication of any resources test, State residency, or
 22 categorical eligibility requirements.

23 (4) INCOME DETERMINATION.—

24 (A) LEAST RESTRICTIVE INCOME METH-
 25 ODOLOGIES; PROSPECTIVE DETERMINATION.—

1 The State shall use the least restrictive meth-
 2 odologies applied under the State Medicaid plan
 3 under section 1902(r)(2) of the Social Security
 4 Act (42 U.S.C. 1396a(r)(2)) in determining in-
 5 come eligibility for Katrina Survivors under
 6 paragraph (1) and shall determine family in-
 7 come for such Survivors only prospectively from
 8 the date of application.

9 (B) DISREGARD OF UI COMPENSATION
 10 AND DISASTER RELIEF ASSISTANCE.—In deter-
 11 mining such income eligibility, the State shall
 12 disregard—

13 (i) any amount received under a law
 14 of the United States or of a State which
 15 is in the nature of unemployment com-
 16 pensation by a Katrina Survivor during the
 17 DRM coverage period, including unemploy-
 18 ment assistance provided under section
 19 410 of the Robert T. Stafford Disaster Re-
 20 lief and Emergency Assistance Act (42
 21 U.S.C. 5177); and

22 (ii) any assistance provided (in cash
 23 or in kind) to a Katrina Survivor from any
 24 public or private entity as a result of Hur-
 25 ricane Katrina.

1 (5) DEFINITION OF CHILD.—For purposes of
2 paragraph (1), a DRM-eligible Katrina Survivor
3 shall be determined to be a “child” if such Survivor
4 meets the definition of “child” under the State Med-
5 icaid plan.

6 (6) CERTAIN INDIVIDUALS DEEMED TO BE
7 DRM-ELIGIBLE KATRINA SURVIVORS.—

8 (A) IN GENERAL.—Upon submission of an
9 application from an individual attesting that the
10 individual is an individual described in any of
11 the categories described in subparagraph (B),
12 or, if an individual is an individual described in
13 subparagraph (C), the State shall deem the in-
14 dividual to be a DRM-eligible Katrina Survivor
15 for purposes of eligibility for DRM assistance
16 during the DRM coverage period.

17 (B) CATEGORIES DESCRIBED.—For pur-
18 poses of subparagraph (A), the categories de-
19 scribed in this subparagraph are the following:

20 (i) KATRINA SURVIVORS ENROLLED IN
21 A STATE MEDICAID PLAN AS OF THE BE-
22 GINNING OF THE DRM COVERAGE PE-
23 RIOD.—Any Katrina Survivor who can pro-
24 vide proof of enrollment in a State Med-
25 icaid plan as of August 28, 2005.

1 (ii) KATRINA SURVIVORS WHO ARE
2 RECIPIENTS OF UNEMPLOYMENT COM-
3 PENSATION.—Any Katrina Survivor who,
4 during the DRM coverage period, is a re-
5 cipient of an amount paid under a law of
6 the United States or of a State which is in
7 the nature of unemployment compensation,
8 including unemployment assistance pro-
9 vided under section 410 of the Robert T.
10 Stafford Disaster Relief and Emergency
11 Assistance Act (42 U.S.C. 5177).

12 (iii) KATRINA SURVIVORS ENROLLED
13 IN DRM ASSISTANCE IN ANOTHER
14 STATE.—Any Katrina Survivor determined
15 by another State to be a DRM-eligible
16 Katrina Survivor who was enrolled in
17 DRM assistance in that State and who re-
18 locates to the State during the DRM cov-
19 erage period.

20 (C) KATRINA SURVIVORS PROVIDED MED-
21 ICAL ASSISTANCE PRIOR TO DATE OF ENACT-
22 MENT.—

23 (i) IN GENERAL.—An individual de-
24 scribed in this subparagraph is any
25 Katrina Survivor who is provided medical

1 assistance under a State Medicaid plan in
2 accordance with guidance from the Sec-
3 retary during the period that begins on
4 August 28, 2005, and ends on the date of
5 enactment of this Act.

6 (ii) NONAPPLICATION TO CHILD
7 HEALTH ASSISTANCE.—In the case of an
8 individual who is a Katrina Survivor who
9 is provided child health assistance under a
10 State child health plan in accordance with
11 guidance from the Secretary during the pe-
12 riod described in clause (i), such individual
13 shall not be deemed to be a DRM-eligible
14 Katrina Survivor for purposes of receiving
15 DRM assistance under this section. Noth-
16 ing in the preceding sentence shall be con-
17 strued as prohibiting such an individual
18 from submitting an application for DRM
19 assistance.

20 (c) ELIGIBILITY DETERMINATION; NO CONTINU-
21 ATION OF DRM ASSISTANCE.—

22 (1) STREAMLINED ELIGIBILITY PROCESS.—The
23 State shall use the following streamlined procedures
24 in processing applications and determining eligibility
25 for DRM assistance for DRM-eligible Katrina Sur-

1 vivors and eligibility for the payment of private
 2 health insurance premiums under section
 3 107(b)(2)(A):

4 (A) ONE-PAGE APPLICATION.—A common
 5 1-page application form developed by the Sec-
 6 retary of Health and Human Services in con-
 7 sultation with the National Association of State
 8 Medicaid Directors. Such form shall—

9 (i) require an applicant to provide an
 10 expected address for the duration of the
 11 DRM coverage period and to agree to up-
 12 date that information if it changes during
 13 such period;

14 (ii) include notice regarding the pen-
 15 alties for making a fraudulent application
 16 under subsection (h);

17 (iii) require the applicant to assign to
 18 the State any rights of the applicant (or
 19 any other person who is a DRM-eligible
 20 Katrina Survivor and on whose behalf the
 21 applicant has the legal authority to execute
 22 an assignment of such rights) under any
 23 group health plan or other third-party cov-
 24 erage for health care;

25 (iv) require the applicant to—

1 (I) list any health insurance cov-
2 erage which the applicant was enrolled
3 in immediately prior to submitting
4 such application; and

5 (II) indicate whether the appli-
6 cant would rather receive DRM assist-
7 ance from a State in accordance with
8 this section or, if private health insur-
9 ance is available, assistance in paying
10 the premiums for such health insur-
11 ance under section 208(b)(2)(A); and

12 (v) be translated by the Secretary into
13 languages other than English, and in cul-
14 tural contexts, that are most appropriate
15 for the applicants expected to submit such
16 forms.

17 (B) SELF-ATTESTATION.—Self-attestation
18 by the applicant that the applicant—

19 (i) is a DRM-eligible Katrina Sur-
20 vivor; and

21 (ii) if applicable, requires home and
22 community-based services provided under
23 such DRM assistance in accordance with
24 subsection (d)(3).

1 (C) NO DOCUMENTATION.—The State
2 shall not require documentation evidencing the
3 basis on which the applicant qualifies to be a
4 DRM-eligible Katrina Survivor or, if applicable,
5 requires home and community-based services.

6 (D) ISSUANCE OF ELIGIBILITY CARD.—

7 (i) IN GENERAL.—Subject to clause
8 (iii), the State shall, immediately upon
9 submission of a complete application (in-
10 cluding the self-attestation required under
11 subparagraph (B)) by an applicant, issue a
12 DRM assistance eligibility card to the ap-
13 plicant.

14 (ii) VALIDITY; NOTICE OF TERMI-
15 NATION DATE.—A DRM assistance eligi-
16 bility card shall be valid as long as the
17 DRM coverage period is in effect and shall
18 be accompanied by notice of the termi-
19 nation date for the DRM coverage period
20 and, if applicable, notice that such termi-
21 nation date may be extended. If the Sec-
22 retary extends the DRM coverage period,
23 the State shall notify DRM-eligible Katrina
24 Survivors enrolled in DRM assistance of

1 the new termination date for the DRM
2 coverage period.

3 (iii) APPLICATION TO STATES THAT
4 ELECT TO PROVIDE DRM ASSISTANCE
5 UNDER THE REGULAR STATE MEDICAID
6 PLAN.—In the case of a State that elects
7 under subsection (a)(2) to provide DRM
8 assistance under the State Medicaid plan,
9 the State may issue to an applicant who
10 submits a complete application an eligi-
11 bility card that is similar to the cards
12 issued by the State to enrollees in the
13 State medicaid plan, but only if the State
14 is able to adapt the card in a manner
15 which clearly identifies that the applicant
16 is eligible for DRM assistance and provides
17 notice of the termination date for the
18 DRM coverage period (and the new termi-
19 nation date applicable if the Secretary ex-
20 tends such coverage period).

21 (E) APPLICATION FOR MEDICAL ASSIST-
22 ANCE UNDER REGULAR STATE MEDICAID
23 PLAN.—Concurrent with the issuance of an eli-
24 gibility card under subparagraph (D), the State
25 shall provide the applicant with an application

1 for medical assistance under the State Medicaid
 2 plan.

3 (F) PRESUMPTIVE ELIGIBILITY.—

4 (i) STATES THAT PROVIDE FOR PRE-
 5 SUMPTIVE ELIGIBILITY UNDER THE REG-
 6 ULAR STATE MEDICAID PLAN.—In the case
 7 of a State that, as of the date of enact-
 8 ment of this Act, provides for a period of
 9 presumptive eligibility under the State
 10 Medicaid plan in accordance with section
 11 1920, 1920A, or 1920B of the Social Se-
 12 curity Act (42 U.S.C. 1396r–1, 1396r–1a,
 13 1396r–1b), the State shall deem an appli-
 14 cant to be a DRM-eligible Katrina Sur-
 15 vivor eligible for DRM assistance in ac-
 16 cordance with this section, subject to sub-
 17 section (g), if the applicant completes an
 18 application for such assistance, presents it
 19 to a provider or facility participating in the
 20 State Medicaid plan that is qualified to
 21 make presumptive eligibility determina-
 22 tions under such plan (which at a min-
 23 imum shall consist of facilities identified in
 24 section 1902(a)(55) of the Social Security
 25 Act (42 U.S.C. 1396a(a)(55)), and it ap-

1 appears to the provider or facility that the
 2 applicant is a DRM-eligible Katrina Sur-
 3 vivor based on the information in the ap-
 4 plication.

5 (ii) APPLICATION TO STATES THAT DO
 6 NOT PROVIDE PRESUMPTIVE ELIGIBILITY
 7 UNDER THE REGULAR STATE MEDICAID
 8 PLAN.—In the case of a State which does
 9 not provide for a period of presumptive eli-
 10 gibility under the State medicaid plan, the
 11 State may elect to provide for a period of
 12 presumptive eligibility for DRM assistance
 13 by designating qualified providers (as de-
 14 fined in section 1920(b)(2) of such Act (42
 15 U.S.C. 1396r–1(b)(2)) as providers that
 16 are specifically designated by the State to
 17 make presumptive determinations in ac-
 18 cordance with clause (i) with respect to eli-
 19 gibility for such assistance, but only if—

20 (I) the State elects to provide for
 21 a period of presumptive eligibility for
 22 such assistance for all Katrina Sur-
 23 vivors who may be DRM-eligible
 24 Katrina Survivors in accordance with
 25 subsection (b); and

1 (II) the qualified providers des-
 2 ignated by the State to make deter-
 3 minations of presumptive eligibility
 4 for such assistance, at a minimum,
 5 consistent of facilities identified in
 6 section 1902(a)(55) of the Social Se-
 7 curity Act (42 U.S.C. 1396a(a)(55))
 8 that are qualified providers under sec-
 9 tion 1920(b)(2) of such Act.

10 (G) CONTINUOUS ELIGIBILITY.—Contin-
 11 uous eligibility, without the need for any rede-
 12 termination of eligibility, for the duration of the
 13 DRM coverage period.

14 (2) NO CONTINUATION OF DRM ASSISTANCE.—

15 (A) IN GENERAL.—Except as provided in
 16 subparagraphs (B) and (C), no DRM assistance
 17 shall be provided after the end of the DRM cov-
 18 erage period.

19 (B) PRESUMPTIVE ELIGIBILITY FOR MED-
 20 ICAL ASSISTANCE UNDER REGULAR MEDICAID
 21 PLAN.—

22 (i) IN GENERAL.—If a State, as of the
 23 date of enactment of this Act, provides for
 24 a period of presumptive eligibility for med-
 25 ical assistance under the State Medicaid

1 plan in accordance with section 1920,
 2 1920A, or 1920B of the Social Security
 3 Act (42 U.S.C. 1396r-1, 1396r-1a,
 4 1396r-1b), the State shall provide a DRM-
 5 eligible Katrina Survivor who is receiving
 6 DRM assistance from the State in accord-
 7 ance with this section and who, as of the
 8 end of the DRM coverage period, is an in-
 9 dividual for whom a period of presumptive
 10 eligibility would be provided under the
 11 State Medicaid plan, with presumptive eli-
 12 gibility for medical assistance under the
 13 State Medicaid plan.

14 (ii) STATE OPTION TO PROVIDE PRE-
 15 SUMPTIVE ELIGIBILITY.—If a State is a
 16 State to which clause (i) does not apply,
 17 the State may elect to provide for a period
 18 of presumptive eligibility for medical as-
 19 sistance under the State Medicaid plan for
 20 a DRM-eligible Katrina Survivor who is re-
 21 ceiving DRM assistance from the State in
 22 accordance with this section and who, as of
 23 the end of the DRM coverage period, is an
 24 individual for whom a period of presump-
 25 tive eligibility would be provided under the

1 State Medicaid plan in accordance with
 2 section 1920, 1920A, or 1920B of such
 3 Act, if the State were to provide such a pe-
 4 riod of presumptive eligibility under the
 5 State Medicaid plan.

6 (iii) STATE OPTION FOR ALL STATES
 7 TO PROVIDE PRESUMPTIVE ELIGIBILITY TO
 8 OTHER POPULATIONS OF DRM-ELIGIBLE
 9 KATRINA SURVIVORS.—In addition to the
 10 populations of DRM-eligible Katrina Sur-
 11 vivors described in clauses (i) and (ii), a
 12 State to which clause (i) or (ii) applies,
 13 may elect to provide for a period of pre-
 14 sumptive eligibility for medical assistance
 15 under the State Medicaid plan for other
 16 DRM-eligible Katrina Survivors who are
 17 receiving DRM assistance from the State
 18 in accordance with this section as of the
 19 end of the DRM coverage period.

20 (iv) LENGTH OF PERIOD.—A pre-
 21 sumptive eligibility period provided in ac-
 22 cordance with clause (i), (ii), or (iii) shall
 23 be provided until the earlier of—

24 (I) the date on which a deter-
 25 mination with respect to the Sur-

1 vivor’s application for medical assist-
 2 ance under the State Medicaid plan is
 3 made; or

4 (II) the end of the 60-day period
 5 that begins on the first day after the
 6 end of the DRM coverage period.

7 (C) PREGNANT WOMEN.—In the case of a
 8 DRM-eligible Katrina Survivor who is receiving
 9 DRM assistance from a State in accordance
 10 with this section and whose pregnancy ended
 11 during the 60-day period prior to the end of the
 12 DRM coverage period, or who is pregnant as of
 13 the end of such period, such Survivor shall con-
 14 tinue to be eligible for DRM assistance after
 15 the end of the DRM coverage period, including
 16 (but not limited to) for all pregnancy-related
 17 and postpartum medical assistance available
 18 under the State Medicaid plan, through the end
 19 of the month in which the 60-day period (begin-
 20 ning on the last day of her pregnancy) ends.

21 (d) SCOPE OF COVERAGE.—

22 (1) CATEGORICALLY NEEDY BENEFITS.—The
 23 State shall treat a DRM-eligible Katrina Survivor as
 24 an individual eligible for medical assistance under
 25 the State plan under title XIX of the Social Security

1 Act on the basis of section 1902(a)(10)(A)(i) of the
2 Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)),
3 with coverage for such assistance retroactive to
4 items and services furnished on or after August 28,
5 2005 (or in the case of applications for DRM assist-
6 ance submitted after January 1, 2006, the first day
7 of the 5th month preceding the date on which such
8 application is submitted).

9 (2) EXTENDED MENTAL HEALTH AND CARE CO-
10 ORDINATION BENEFITS.—The State may provide,
11 without regard to any restrictions on amount, dura-
12 tion, and scope, comparability, or restrictions other-
13 wise applicable under the State Medicaid plan (other
14 than restrictions applicable under such plan with re-
15 spect to services provided in an institution for men-
16 tal diseases), to DRM-eligible Katrina Survivors ex-
17 tended mental health and care coordination benefits
18 which may include the following:

19 (A) Screening, assessment, and diagnostic
20 services (including specialized assessments for
21 individuals with cognitive impairments).

22 (B) Coverage for a full range of mental
23 health medications at the dosages and fre-
24 quencies prescribed by health professionals for

1 depression, post-traumatic stress disorder, and
 2 other mental disorders.

3 (C) Treatment of alcohol and substance
 4 abuse.

5 (D) Psychotherapy, rehabilitation, and
 6 other treatments administered by psychiatrists,
 7 psychologists, or social workers.

8 (E) Subject to restrictions applicable under
 9 the State Medicaid plan with respect to services
 10 provided in an institution for mental diseases,
 11 in-patient mental health care.

12 (F) Family counseling.

13 (G) In connection with the provision of
 14 health and long-term care services, arranging
 15 for, (and when necessary, enrollment in waiver
 16 programs or other specialized programs), and
 17 coordination related to, primary and specialty
 18 medical care, which may include personal care
 19 services, durable medical equipment and sup-
 20 plies, assistive technology, and transportation.

21 (3) HOME AND COMMUNITY-BASED SERV-
 22 ICES.—

23 (A) IN GENERAL.—In the case of a State
 24 with a waiver to provide home and community-
 25 based services granted under section 1115 of

the Social Security Act or under subsection (c) or (d) of section 1915 of such Act, the State may provide such services to DRM-eligible Katrina Survivors who self-attest in accordance with subsection (c)(1)(B)(ii) that they require immediate home and community-based services that are available under such waiver without regard to whether the Survivors would require the level of care provided in a hospital, nursing facility, or intermediate care facility for the mentally retarded. Such DRM-eligible Katrina Survivors include (but are not limited to) individuals described in subparagraph (B).

(B) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who—

(i) on any day during the week preceding August 28, 2005—

(I) had been receiving home and community-based services under a waiver described in subparagraph (A) in a direct impact parish or county;

(II) had been receiving support services from a primary family caregiver who, as a result of Hurricane

1 Katrina, is no longer available to pro-
 2 vide services; or

3 (III) had been receiving personal
 4 care, home health, or rehabilitative
 5 services under the State Medicaid
 6 plan or under a waiver granted under
 7 section 1915 or 1115 of the Social Se-
 8 curity Act; or

9 (ii) are disabled (as determined under
 10 the State Medicaid plan).

11 (C) WAIVER OF RESTRICTIONS.—The Sec-
 12 retary shall waive with respect to the provision
 13 of home and community-based services under
 14 this paragraph any limitations on—

15 (i) the number of individuals who
 16 shall receive home or community-based
 17 services under a waiver described in sub-
 18 paragraph (A);

19 (ii) budget neutrality requirements ap-
 20 plicable to such waiver; and

21 (iii) targeted populations eligible for
 22 services under such waiver.

23 The Secretary may waive other restrictions ap-
 24 plicable under such a waiver, that would pre-
 25 vent a State from providing home and commu-

1 nity-based services in accordance with this
 2 paragraph.

3 (4) CHILDREN BORN TO PREGNANT WOMEN.—

4 In the case of a child born to a DRM-eligible
 5 Katrina Survivor who is provided DRM assistance
 6 during the DRM coverage period, such child shall be
 7 treated as having been born to a pregnant woman el-
 8 ible for medical assistance under the State Med-
 9 icaid plan and shall be eligible for medical assistance
 10 under such plan in accordance with section
 11 1902(e)(4) of the Social Security Act (42 U.S.C.
 12 1396a(e)(4)). The Federal medical assistance per-
 13 centage applicable to the State Medicaid plan shall
 14 apply to medical assistance provided to a child under
 15 such plan in accordance with the preceding sentence.

16 (e) TERMINATION OF COVERAGE; ASSISTANCE WITH
 17 APPLYING FOR REGULAR MEDICAID COVERAGE.—

18 (1) NOTICE OF EXPECTED TERMINATION OF
 19 DRM COVERAGE PERIOD.—A State shall provide
 20 DRM-eligible Katrina Survivors who are receiving
 21 DRM assistance from the State in accordance with
 22 this section, as of the beginning of the 4th month
 23 (and, if applicable, 9th month) of the DRM coverage
 24 period with—

1 (A) notice of the expected termination date
 2 for DRM assistance for such period and, if ap-
 3 plicable, any extension of the DRM coverage pe-
 4 riod and the expected termination date for the
 5 extension of such period;

6 (B) information regarding eligibility for
 7 medical assistance under the State's eligibility
 8 rules otherwise applicable under the State Med-
 9 icaid plan; and

10 (C) an application for such assistance and
 11 information regarding where to obtain assist-
 12 ance with completing such application in ac-
 13 cordance with paragraph (2).

14 (2) APPLICATION ASSISTANCE.—A State shall
 15 provide DRM-eligible Katrina Survivors who are re-
 16 ceiving DRM assistance from the State in accord-
 17 ance with this section with assistance in applying for
 18 medical assistance under the State Medicaid plan for
 19 periods beginning after the end of the DRM cov-
 20 erage period, at State Medicaid offices and at loca-
 21 tions easily accessible to such Survivors.

22 (3) STATE REPORTS.—A State providing DRM
 23 assistance in accordance with this section shall sub-
 24 mit to the Secretary the following reports:

1 (A) TERMINATION AND TRANSITION AS-
 2 SISTANCE TO REGULAR MEDICAID COVERAGE
 3 FOR DRM-ELIGIBLE KATRINA SURVIVORS ELIGI-
 4 BLE FOR SUCH ASSISTANCE.—Not later than
 5 the last day of the 3rd month of the DRM cov-
 6 erage period, a report detailing how the State
 7 intends to satisfy the requirements of para-
 8 graphs (1) and (2).

9 (B) ENROLLMENT.—Not later than 3
 10 months after the end of the DRM coverage pe-
 11 riod, a report regarding—

12 (i) the number of Katrina Survivors
 13 who are determined to be DRM-eligible
 14 Katrina Survivors; and

15 (ii) the number of DRM-eligible
 16 Katrina Survivors who are determined to
 17 be eligible for, and enrolled in, the State
 18 Medicaid plan.

19 (4) SECRETARIAL OVERSIGHT.—The Secretary
 20 of Health and Human Services shall ensure that a
 21 State is complying with the requirements of para-
 22 graphs (1) and (2) and that applications for medical
 23 assistance under the State Medicaid plan from
 24 DRM-eligible Katrina Survivors for periods begin-

1 ning after the end of the DRM coverage period are
 2 processed in a timely and appropriate manner.

3 (5) NO PRIVATE RIGHT OF ACTION AGAINST A
 4 STATE FOR FAILURE TO PROVIDE NOTICE.—No pri-
 5 vate right of action shall be brought against a State
 6 for failure to provide the notices required under
 7 paragraph (1) or subsection (c)(1) so long as the
 8 State makes a good faith effort to provide such no-
 9 tices.

10 (f) 100 PERCENT FEDERAL MATCHING PAY-
 11 MENTS.—

12 (1) IN GENERAL.—Notwithstanding section
 13 1905(b) of the Social Security Act (42 U.S.C.
 14 1396d(b), the Federal medical assistance percentage
 15 or the Federal matching rate otherwise applied
 16 under section 1903(a) of such Act (42 U.S.C.
 17 1396b(a)) shall be 100 percent for—

18 (A) providing DRM assistance to DRM-eli-
 19 gible Katrina Survivors during the DRM cov-
 20 erage period in accordance with this section;

21 (B) costs directly attributable to adminis-
 22 trative activities related to the provision of such
 23 DRM assistance, including costs attributable to
 24 obtaining recoveries under subsection (h);

1 (C) costs directly attributable to providing
2 application assistance in accordance with sub-
3 section (e)(2); and

4 (D) medical assistance provided in accord-
5 ance with subparagraph (B) of subsection
6 (c)(2), and DRM assistance provided in accord-
7 ance with subparagraph (C) of that subsection,
8 after the end of the DRM coverage period.

9 (2) INCLUSION OF ASSISTANCE PROVIDED TO
10 KATRINA SURVIVORS PRIOR TO DATE OF ENACT-
11 MENT.—Any assistance provided to a Katrina Sur-
12 vivor under a State Medicaid plan in accordance
13 with guidance from the Secretary during the period
14 that begins on August 28, 2005, and ends on the
15 date of enactment of this Act, shall be treated as a
16 DRM assistance provided to a DRM-eligible Katrina
17 Survivor during the DRM coverage period for pur-
18 poses of paragraph (1).

19 (3) 100 PERCENT FEDERAL MATCHING PAY-
20 MENTS FOR COSTS FOR PROVIDING CHILD HEALTH
21 ASSISTANCE PRIOR TO DATE OF ENACTMENT; RES-
22 TORATION OF ALLOTMENTS USED TO PROVIDE SUCH
23 ASSISTANCE.—With respect to child health assist-
24 ance for items and services furnished during the pe-

1 riod described in paragraph (2) to a Katrina Sur-
2 vivor—

3 (A) notwithstanding section 2105(b) of the
4 Social Security Act (42 U.S.C. 1397ee(b)), the
5 Federal matching rate for providing such child
6 health assistance under a State child health
7 plan and for costs directly attributable to all
8 administrative activities that relate to the provi-
9 sion of such child health assistance, shall be
10 100 percent;

11 (B) payments to a State for the provision
12 of such assistance shall not be considered to be
13 payments from an allotment for the State under
14 section 2104 of such Act (42 U.S.C. 1397dd);
15 and

16 (C) any payments that were made to a
17 State for the provision of such assistance prior
18 to such date of enactment, shall be disregarded
19 for purposes of determining the unexpended
20 amount of any allotment available for expendi-
21 ture by the State under that section.

22 (4) DISREGARD OF PAYMENTS.—Payments pro-
23 vided to a State in accordance with this subsection
24 shall be disregarded for purposes of applying sub-

1 sections (f) and (g) of section 1108 of the Social Se-
2 curity Act (42 U.S.C. 1308).

3 (g) VERIFICATION OF STATUS AS A KATRINA SUR-
4 VIVOR.—

5 (1) IN GENERAL.—The State shall make a good
6 faith effort to verify the status of an individual who
7 is enrolled in the State Medicaid plan as a DRM-eli-
8 gible Katrina Survivor under the provisions of this
9 section. Such effort shall not delay the determina-
10 tion of the eligibility of the Survivor for DRM assist-
11 ance under this section or the provision of such as-
12 sistance to the Survivor.

13 (2) EVIDENCE OF VERIFICATION.—A State may
14 satisfy the verification requirement under subpara-
15 graph (A) with respect to an individual by showing
16 that the State providing DRM assistance obtained
17 information from the Federal Emergency Manage-
18 ment Agency, the Social Security Administration,
19 the Internal Revenue Service, or the State Medicaid
20 Agency for the State from which individual is from
21 (if the individual was not a resident of such State
22 on any day during the week preceding August 28,
23 2005).

24 (h) PENALTY FOR FRAUDULENT APPLICATIONS.—

1 (1) INDIVIDUAL LIABLE FOR COSTS.—If a
 2 State, as the result of verification activities con-
 3 ducted under subsection (g) or otherwise, determines
 4 after a fair hearing that an individual has knowingly
 5 made a false self-attestation described in subsection
 6 (c)(1)(B), the State may, subject to paragraph (2),
 7 seek recovery from the individual for the full amount
 8 of the cost of DRM assistance provided to the indi-
 9 vidual under this section.

10 (2) EXCEPTION.—The Secretary shall exempt a
 11 State from seeking recovery under paragraph (1) if
 12 the Secretary determines that it would not be cost-
 13 effective for the State to do so.

14 (3) REIMBURSEMENT TO THE FEDERAL GOV-
 15 ERNMENT.—Any amounts recovered by a State in
 16 accordance with this subsection shall be returned to
 17 the Federal government.

18 (i) EXEMPTION FROM ERROR RATE PENALTIES.—

19 (1) IN GENERAL.—All payments attributable to
 20 providing DRM assistance in accordance with this
 21 section, including during a period of presumptive eli-
 22 gibility for such assistance in accordance with sub-
 23 section (c)(1)(F), shall be disregarded for purposes
 24 of section 1903(u) of the Social Security Act (42
 25 U.S.C. 1396b(u)).

1 (2) APPLICATION OF ERROR RATE PENALTIES
2 FOR PRESUMPTIVE ELIGIBILITY PERIODS FOR MED-
3 ICAL ASSISTANCE AFTER THE END OF THE DRM
4 COVERAGE PERIOD.—The rules for application of
5 such section under the State Medicaid plan, as in ef-
6 fect on the date of enactment of this Act, shall apply
7 with respect to any period of presumptive eligibility
8 for medical assistance under such plan provided by
9 a State in accordance with subsection (c)(2)(B).

10 (j) PROVIDER PAYMENT RATES.—In the case of any
11 DRM assistance provided in accordance with this section
12 to a DRM-eligible Katrina Survivor that is covered under
13 the State Medicaid plan (as applied without regard to this
14 section) the State shall pay a provider of such assistance
15 the same payment rate as the State would otherwise pay
16 for the assistance if the assistance were provided under
17 the State Medicaid plan (or, if no such payment rate ap-
18 plies under the State Medicaid plan, the usual and cus-
19 tomary prevailing rate for the item or service for the com-
20 munity in which it is provided).

21 (k) APPLICATION TO INDIVIDUALS ELIGIBLE FOR
22 MEDICAL ASSISTANCE.—Nothing in this section shall be
23 construed as affecting any rights accorded to an individual
24 who is a recipient of medical assistance under a State
25 Medicaid plan who is determined to be a DRM-eligible

1 Katrina Survivor, but the provision of DRM assistance to
 2 such individual shall be limited to the provision of such
 3 assistance in accordance with this section.

4 (l) NO ENTITLEMENT TO REGULAR MEDICAL AS-
 5 SISTANCE SOLELY ON THE BASIS OF RECEIPT OF DRM
 6 ASSISTANCE OR IN THE ABSENCE OF A NEW APPLICA-
 7 TION FOR MEDICAL ASSISTANCE.—Notwithstanding para-
 8 graphs (3) and (8) of section 1902(a) of the Social Secu-
 9 rity Act (42 U.S.C. 1396a(a)), and section 435.930(b) of
 10 title 42, Code of Federal Regulations, subject to subpara-
 11 graphs (B) and (C) of subsection (c)(2), and subsection
 12 (d)(4), nothing in this section shall be construed as pro-
 13 viding an individual who is a DRM-eligible Katrina Sur-
 14 vivor who receives DRM assistance in accordance with this
 15 section, with an entitlement to receive medical assistance
 16 under the State Medicaid plan after the end of the DRM
 17 coverage period—

18 (1) solely on the basis of the individual's receipt
 19 of such DRM assistance; or

20 (2) in the absence of a new application sub-
 21 mitted by such individual for medical assistance
 22 under such plan.

23 (m) LIMITATION WITH RESPECT TO APPLICATION
 24 TO MEDICARE PRESCRIPTION DRUG BENEFIT.—In the
 25 case of an individual who is a DRM-eligible Katrina Sur-

1 vivor who receives DRM assistance from a State in accord-
 2 ance with this section, and who is eligible for part A of
 3 title XVIII of the Social Security Act (42 U.S.C. 1395c
 4 et seq.) or enrolled in part B of title XVIII of such Act
 5 (42 U.S.C. 1395j et seq.)—

6 (1) the State payment required under section
 7 1935(c) of such Act (42 U.S.C. 1395u–5(c)) shall be
 8 determined without regard to the provision of DRM
 9 assistance to such individual; and

10 (2) such individual shall not be treated as a
 11 subsidy eligible individual for purposes of eligibility
 12 for the low-income subsidies provided under section
 13 1860D–14 of such Act (42 U.S.C. 1395w–114) with
 14 respect to the prescription drug coverage provided
 15 under part D of title XVIII of such Act (42 U.S.C.
 16 1395w–101 et seq.), or enrollment in such coverage,
 17 solely on the basis of the provision of DRM assist-
 18 ance to such individual.

19 (n) NO DRM ASSISTANCE IF THE SECRETARY IS
 20 MAKING PAYMENTS ON BEHALF OF THE INDIVIDUAL FOR
 21 PRIVATE HEALTH INSURANCE.—A DRM-eligible Katrina
 22 Survivor may not receive DRM assistance from a State
 23 in accordance with this section during any period in which
 24 the Secretary is making a payment for a health insurance

1 premium on behalf of such Survivor under section
 2 208(b)(2)(A) with respect to that period.

3 **SEC. 203. TARGETED MEDICAID RELIEF FOR MAJOR DIS-**
 4 **ASTER PARISHES AND COUNTIES IN LOU-**
 5 **ISIANA, MISSISSIPPI, AND ALABAMA.**

6 (a) 100 PERCENT FEDERAL MATCHING PAYMENTS
 7 FOR MEDICAL ASSISTANCE PROVIDED IN MAJOR DIS-
 8 ASTER PARISH OR COUNTY.—

9 (1) IN GENERAL.—Notwithstanding section
 10 1905(b) of the Social Security Act (42 U.S.C.
 11 1396d(b)), for items and services furnished during
 12 the period that begins on August 28, 2005, and ends
 13 on December 31, 2006, the Federal medical assist-
 14 ance percentage for providing medical assistance for
 15 such items and services under a State Medicaid plan
 16 to any individual, including a Katrina Survivor, re-
 17 siding in a major disaster parish or county (as de-
 18 fined in subsection (c)), and for costs directly attrib-
 19 utable to all administrative activities that relate to
 20 the provision of such medical assistance, shall be
 21 100 percent.

22 (2) APPLICATION TO CHILD HEALTH ASSIST-
 23 ANCE.—Notwithstanding section 2105(b) of the So-
 24 cial Security Act (42 U.S.C. 1397ee(b)), for items
 25 and services furnished during the period described in

1 subsection (a), the Federal matching rate for pro-
2 viding child health assistance for such items and
3 services under a State child health plan in a major
4 disaster parish or county, and for costs directly at-
5 tributable to all administrative activities that relate
6 to the provision of such child health assistance, shall
7 be 100 percent.

8 (b) MORATORIUM ON REDETERMINATIONS.—During
9 the DRM coverage period, the States of Louisiana, Mis-
10 sissippi, and Alabama shall not be required to conduct eli-
11 gibility redeterminations under the State’s Medicaid plan.

12 (c) MAJOR DISASTER PARISH OR COUNTY DE-
13 FINED.—For purposes of subsection (a), a major disaster
14 parish or county is a parish of the State of Louisiana or
15 a county of the State of Mississippi or Alabama for which
16 a major disaster has been declared in accordance with sec-
17 tion 401 of the Robert T. Stafford Disaster Relief and
18 Emergency Assistance Act (42 U.S.C. 5170) as a result
19 of Hurricane Katrina and which the President has deter-
20 mined, as of September 14, 2005, warrants individual or
21 public assistance from the Federal Government under
22 such Act.

1 **SEC. 204. AUTHORITY TO WAIVE REQUIREMENTS DURING**
2 **NATIONAL EMERGENCIES WITH RESPECT TO**
3 **EVACUEES FROM AN EMERGENCY AREA.**

4 (a) IN GENERAL.—Section 1135(g)(1) of the Social
5 Security Act (42 U.S.C. 1320b–5(g)(1)) is amended by
6 adding at the end the following:

7 “Any geographical area in which the Secretary de-
8 termines there are a significant number of evacuees
9 from an area that is considered to be an emergency
10 area under the preceding sentence shall be consid-
11 ered to be an ‘emergency area’ for purposes of this
12 section.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall take effect as if enacted on August
15 28, 2005.

16 **SEC. 205. EMERGENCY ASSISTANCE FOR STATES WITH SIG-**
17 **NIFICANT NUMBERS OF EVACUEES WITH RE-**
18 **SPECT TO THE FEDERAL MEDICAL ASSIST-**
19 **ANCE PERCENTAGE FOR FISCAL YEAR 2006.**

20 (a) IN GENERAL.—If the Federal medical assistance
21 percentage (as defined in section 1905(b) of the Social Se-
22 curity Act (42 U.S.C. 1396d(b))) determined for a State
23 described in subsection (b) for fiscal year 2006 is less than
24 the Federal medical assistance percentage determined for
25 such State for fiscal year 2005, the Federal medical assist-
26 ance percentage for the State for fiscal year 2005 shall

1 apply to the State for fiscal year 2006 for purposes of
 2 titles XIX and XXI of the Social Security Act (42 U.S.C.
 3 1396 et seq., 1397aa et seq.).

4 (b) STATE DESCRIBED.—For purposes of subsection
 5 (a), a State described in this subsection is a State that,
 6 as of September 30, 2005, is hosting at least 10,000
 7 Katrina Survivors described in section 201(4)(A), as de-
 8 termined on the basis of Federal Emergency Management
 9 Authority data.

10 **SEC. 206. EMERGENCY ASSISTANCE TO MEDICARE BENE-**
 11 **FICIARIES.**

12 In applying the first sentence of section 1839(b) of
 13 the Social Security Act (42 U.S.C. 1395r(b)) in the case
 14 of an individual who, on any day during the week pre-
 15 ceding August 28, 2005, had a residence in a direct im-
 16 pact parish or county, there shall not be taken into ac-
 17 count any month any part of which is within the DRM
 18 coverage period.

19 **SEC. 207. RELIEF FOR HOSPITALS LOCATED IN A DIRECT**
 20 **IMPACT PARISH OR COUNTY.**

21 (a) INCREASE IN MEDICARE PAYMENTS TO HOS-
 22 PITALS FOR BAD DEBT.—During the DRM coverage pe-
 23 riod, section 1861(v)(1)(T)(iv) of the Social Security Act
 24 (42 U.S.C. 1395x(v)(1)(T)(iv)) shall be applied by sub-
 25 stituting “0 percent” for “30 percent” with respect to—

1 (1) a hospital located in a direct impact parish
2 or county; and

3 (2) any other hospital, but only to the extent
4 that the bad debt is related to items and services
5 furnished to an individual who, on any day during
6 the week preceding August 28, 2005, had a resi-
7 dence in a direct impact parish or county.

8 (b) WAIVER OF CERTAIN MEDICARE QUALITY RE-
9 PORTING REQUIREMENTS FOR HOSPITALS.—During the
10 DRM coverage period, section 1886(b)(3)(B)(vii) of the
11 Social Security Act (42 U.S.C. 1395ww(b)(3)(B)(vii))
12 shall not apply to a hospital that is located in a direct
13 impact parish or county.

14 **SEC. 208. DISASTER RELIEF FUND.**

15 (a) ESTABLISHMENT.—There is established in the
16 Treasury of the United States the Disaster Relief Fund
17 (in this section referred to as the “Fund”) which—

18 (1) shall be administered by the Secretary; and

19 (2) shall consist of amounts made available
20 under subsection (h).

21 (b) USE OF AMOUNTS IN FUND.—Amounts in the
22 Fund shall be used by the Secretary for the following:

23 (1) PAYMENTS TO PROVIDERS.—The Secretary
24 shall make payments directly to medicaid providers
25 described in subsection (e) to offset the costs in-

1 curred by such providers as a result of Hurricane
 2 Katrina.

3 (2) PAYMENTS FOR PRIVATE HEALTH INSUR-
 4 ANCE COVERAGE.—The Secretary shall make pay-
 5 ments to State insurance commissioners for the pur-
 6 pose of making payments to health insurance
 7 issuers—

8 (A) on behalf of individuals that would
 9 otherwise qualify for DRM assistance from the
 10 State under section 202 but for subsection (n)
 11 of such section for such individual's share of
 12 their health insurance premium; and

13 (B) on behalf of qualified employers for
 14 the employer share of their employee's health
 15 insurance premiums, but only with respect to
 16 the days on which the employer meets the defi-
 17 nition under subsection (f).

18 (c) RULES FOR PAYMENTS TO PROVIDERS.—

19 (1) CONSULTATION.—In making payments to
 20 medicaid providers under subsection (b)(1), the Sec-
 21 retary shall consult with the Louisiana Department
 22 of Health and Hospitals, the Mississippi Department
 23 of Health, and the Alabama Department of Public
 24 Health in order to best identify the providers with
 25 the greatest need of such payments.

1 (2) PRIORITY.—In making payments to med-
 2 icaid providers under subsection (b)(1), the Sec-
 3 retary shall give priority to community-based hos-
 4 pitals, physician practices, and other providers lo-
 5 cated in a direct impact parish or county where the
 6 health care infrastructure was destroyed or nearly
 7 destroyed.

8 (3) DESCRIPTION OF NEED AND HOW FUNDING
 9 WILL BE USED.—In order for a medicaid provider to
 10 be eligible for a payment under subsection (b)(1),
 11 the provider shall provide the Secretary with a de-
 12 scription of the need for the funding and how the
 13 funding will be used.

14 (4) TIMING FOR FIRST PAYMENT.—The first
 15 payment to medicaid providers under subsection
 16 (b)(1) shall be made by not later than 10 days after
 17 the date of enactment of this Act.

18 (d) RULES FOR PAYMENTS ON BEHALF OF INDIVID-
 19 UALS FOR PRIVATE HEALTH INSURANCE.—

20 (1) STREAMLINED ELIGIBILITY PROCESS.—In
 21 making payments on behalf of individuals under sub-
 22 section (b)(2)(A), the Secretary shall use the
 23 streamlined eligibility process under section
 24 202(c)(1).

1 (2) NO PAYMENTS IF THE INDIVIDUAL IS RE-
2 CEIVING DRM ASSISTANCE.—No payments may be
3 made on behalf of an individual under subsection
4 (b)(2)(A) with respect to any period in which the in-
5 dividual is receiving DRM assistance from a State
6 under section 202.

7 (e) MEDICAID PROVIDERS DESCRIBED.—For pur-
8 poses of subsection (b)(1), medicaid providers described
9 in this subsection are—

10 (1) any provider under such title, including a
11 supplier of medical assistance consisting of durable
12 medical equipment (as defined in section 1861(n) of
13 such Act (42 U.S.C. 1395x(n)), that, during a pe-
14 riod after August 28, 2005, as determined by the
15 Secretary—

16 (A) experiences a significant increase, as
17 determined by the Secretary, in their patient
18 caseload; or

19 (B) experiences a significant drop, as de-
20 termined by the Secretary, in their patient case-
21 load, including a provider that is temporarily
22 closed during such period; and

23 (2) any other provider under such title, includ-
24 ing such a supplier, determined appropriate by the
25 Secretary.

1 (f) QUALIFIED EMPLOYER DEFINED.—For purposes
2 of subsection (b)(2)(B), the term “qualified employer”
3 means any employer—

4 (1) which conducted an active trade or business
5 on August 28, 2005, in a direct impact parish or
6 county; and

7 (2) with respect to which the trade or business
8 described in paragraph (1)—

9 (A) is inoperable on any day during the
10 DRM coverage period as a result of damage
11 sustained in connection with Hurricane
12 Katrina; or

13 (B) is not paying salary or benefits to em-
14 ployees on any day during the DRM coverage
15 period as a result of damage sustained in con-
16 nection with Hurricane Katrina.

17 (g) EXPEDITING IMPLEMENTATION.—The Secretary
18 shall promulgate regulations to carry out this section
19 which may be effective and final immediately on an in-
20 terim basis as of the date of publication of the interim
21 final regulation. If the Secretary provides for an interim
22 final regulation, the Secretary shall provide for a period
23 of public comments on such regulation after the date of
24 publication. The Secretary may change or revise such reg-
25 ulation after completion of the period of public comment.

1 (h) APPROPRIATION.—Out of any money in the
 2 Treasury not otherwise appropriated, there is appro-
 3 priated to the Fund \$800,000,000 for fiscal year 2005,
 4 to remain available until expended.

5 (i) APPLICATION OF APPROPRIATIONS FUNDING
 6 PROVISIONS.—Amounts provided in this section for mak-
 7 ing payments to medicaid providers under subsection
 8 (b)(1) shall be governed by the terms of division F of the
 9 Consolidated Appropriations Act, 2005 (Public Law 108–
 10 447, 118 Stat. 3112) (or succeeding appropriations meas-
 11 ures for a fiscal year) that apply to funding for Grants
 12 to States for Medicaid under Title XIX of the Social Secu-
 13 rity Act.

14 **Subtitle B—TANF Relief**

15 **SEC. 211. REIMBURSEMENT OF STATES FOR TANF BENE-** 16 **FITS PROVIDED TO ASSIST FAMILIES OF** 17 **STATES AFFECTED BY HURRICANE KATRINA.**

18 (a) IN GENERAL.—Section 3 of the TANF Emer-
 19 gency Response and Recovery Act of 2005 is amended to
 20 read as follows:

21 **“SEC. 3. REIMBURSEMENT OF STATES FOR TANF BENEFITS** 22 **PROVIDED TO ASSIST FAMILIES OF STATES** 23 **AFFECTED BY HURRICANE KATRINA.**

24 “(a) ELIGIBILITY FOR PAYMENTS FROM THE CON-
 25 TINGENCY FUND.—

1 “(1) PERIOD OF APPLICABILITY.—Beginning
 2 with August 29, 2005, and ending with September
 3 30, 2006, a State described in paragraph (2) or (3)
 4 shall be considered a needy State for purposes of
 5 section 403(b) of the Social Security Act (42 U.S.C.
 6 603(b)).

7 “(2) DIRECT IMPACT STATES.—A State de-
 8 scribed in this paragraph is Louisiana, Mississippi,
 9 or Alabama.

10 “(3) OTHER STATES.—

11 “(A) IN GENERAL.—A State is described
 12 in this paragraph if the State provides any ben-
 13 efit or service that may be provided under the
 14 State program funded under part A of title IV
 15 of the Social Security Act (42 U.S.C. 601 et
 16 seq.) to a family which—

17 “(i) has resided in a direct impact
 18 State described in paragraph (2);

19 “(ii) has travelled (not necessarily di-
 20 rectly) to the State from such direct im-
 21 pact State as a result of Hurricane
 22 Katrina; and

23 “(iii) if applying for benefits or serv-
 24 ices on or after October 28, 2005, the
 25 State has determined is not receiving cash

1 benefits from any program funded under
2 such part of any other State.

3 “(B) APPLICATION TO TERRITORIES.—

4 “(i) IN GENERAL.—Notwithstanding
5 section 403(b)(7) of the Social Security
6 Act, a territory (as defined in section
7 1108(c)(1) of such Act (42
8 U.S.C.1308(c)(1)) shall be considered to
9 be a State described in this paragraph for
10 purposes of this section.

11 “(ii) DISREGARD OF PAYMENTS.—
12 Section 1108(a) of the Social Security Act
13 (42 U.S.C. 1308(a)) shall be applied with-
14 out regard to any amounts paid to a terri-
15 tory (as so defined) in accordance with this
16 section.

17 “(b) MONTHLY PAYMENTS.—Notwithstanding para-
18 graph (3)(C)(i) of subsection (b) of section 403 of the So-
19 cial Security Act (42 U.S.C. 603), and in addition to any
20 other amounts paid to a State under that subsection, the
21 total amount paid during a month to a State under this
22 section shall not exceed the following:

23 “(1) DIRECT IMPACT STATES.—In the case of a
24 State described in subsection (a)(2), such amount

1 shall not exceed, $\frac{1}{4}$ of 20 percent of the State fam-
 2 ily assistance grant.

3 “(2) OTHER STATES.— In the case of a State
 4 described in subsection (a)(3), such amount shall not
 5 exceed the lesser of—

6 “(A) the total amount of Hurricane
 7 Katrina Emergency TANF Benefits (as defined
 8 in section 6(c)(1)) provided by the State to
 9 families described in subsection (a)(3); or

10 “(B) $\frac{1}{4}$ of 20 percent of the State family
 11 assistance grant.

12 “(c) NO STATE MATCH OR MAINTENANCE OF EF-
 13 FORT REQUIRED.—Sections 403(b)(6) and 409(a)(10) of
 14 the Social Security Act (42 U.S.C. 603(b)(6), 609(a)(10))
 15 shall not apply with respect to a payment made to a State
 16 by reason of this section.

17 “(d) INCREASE IN FUNDING TO THE EXTENT NEC-
 18 ESSARY TO ENSURE THAT STATES WILL BE ABLE TO
 19 ACCESS THE CONTINGENCY FUND.—For the period de-
 20 scribed in subsection (a)(1), paragraph (2) of subsection
 21 (b) of section 403 of the Social Security Act (42 U.S.C.
 22 603) shall be applied without regard to the limitation on
 23 the total amount specified in such paragraph and funds
 24 appropriated pursuant to such paragraph shall be avail-

1 able for payments authorized under this section and under
2 such subsection (b).”.

3 (b) RETROACTIVE EFFECTIVE DATE.—The amend-
4 ment made by subsection (a) shall take effect as if in-
5 cluded in the enactment of the TANF Emergency Re-
6 sponse and Recovery Act of 2005.

7 **SEC. 212. INCREASE IN AMOUNT OF ADDITIONAL TANF**
8 **FUNDS AVAILABLE FOR HURRICANE-DAM-**
9 **AGED STATES.**

10 (a) IN GENERAL.—Section 4 of the TANF Emer-
11 gency Response and Recovery Act of 2005 is amended—

12 (1) in subsection (a)(2), by striking “20 per-
13 cent” and inserting “40 percent”; and

14 (2) in subsection (b), in the matter preceding
15 paragraph (1), by inserting “(at any time during or
16 after the period described in section 3(a)(1))” after
17 “may not be imposed”.

18 (b) RETROACTIVE EFFECTIVE DATE.—The amend-
19 ments made by subsection (a) shall take effect as if in-
20 cluded in the enactment of the TANF Emergency Re-
21 sponse and Recovery Act of 2005.

1 **SEC. 213. RULES FOR RECEIPT OF HURRICANE KATRINA**
 2 **EMERGENCY TANF BENEFITS AND APPLICA-**
 3 **TION TO CHILD SUPPORT REQUIREMENTS.**

4 (a) IN GENERAL.—Section 6 of the TANF Emer-
 5 gency Response and Recovery Act of 2005 is amended to
 6 read as follows:

7 **“SEC. 6. RULES FOR RECEIPT OF HURRICANE KATRINA**
 8 **EMERGENCY TANF BENEFITS AND APPLICA-**
 9 **TION TO CHILD SUPPORT REQUIREMENTS.**

10 “(a) IN GENERAL.—During the period described in
 11 section 3(a)(1), a State described in paragraph (2) or (3)
 12 of section 3(a) or an Indian tribe with a tribal family as-
 13 sistance plan approved under section 412 of the Social Se-
 14 curity Act (42 U.S.C. 612) may provide Hurricane
 15 Katrina Emergency TANF Benefits under the State or
 16 tribal program funded under part A of title IV of the So-
 17 cial Security Act (42 U.S.C. 601 et seq.).

18 “(b) CERTAIN RULES WAIVED.—

19 “(1) IN GENERAL.—Hurricane Katrina Emer-
 20 gency TANF Benefits shall not be considered assist-
 21 ance for purposes of sections 407, paragraphs (2),
 22 (3), or (7) of section 408(a), 411, or section 454(29)
 23 of the Social Security Act (42 U.S.C. 607, 608(a),
 24 611, 654(29)).

25 “(2) LIMITED WAIVER OF RULES UNDER SEC-
 26 TION 454(4)(A)(i).—

1 “(A) IN GENERAL.—Subject to subpara-
 2 graph (B), such benefits shall not be considered
 3 assistance for purposes of section 454(4)(A)(i)
 4 of such Act (42 U.S.C. 654(4)(A)(i)).

5 “(B) EXCEPTION FOR FAMILIES ALREADY
 6 RECEIVING CHILD SUPPORT SERVICES OR WHO
 7 APPLY FOR SUCH SERVICES.—Subparagraph
 8 (A) shall not apply with respect to such benefits
 9 that are provided to a family who—

10 “(i) at the time such benefits are pro-
 11 vided, are receiving child support services
 12 under a State plan under section 454 of
 13 such Act (42 U.S.C. 654); or

14 “(ii) applies for child support services
 15 under such a State plan on behalf of a
 16 child who is receiving such benefits.

17 “(c) HURRICANE KATRINA EMERGENCY TANF BEN-
 18 EFITS.—

19 “(1) IN GENERAL.—In this section, the term
 20 ‘Hurricane Katrina Emergency TANF Benefits’
 21 means any benefit or service that may be provided
 22 under a State or tribal program funded under part
 23 A of title IV of the Social Security Act to support
 24 families which the State or Indian tribe deems to be
 25 needy families based on their statement, cir-

1 cumstance, or inability to access resources and
2 who—

3 “(A) are described in section 3(a)(3); or

4 “(B) subject to paragraph (2), reside in a
5 State described in section 3(a)(2).

6 “(2) LIMITATION.—Any benefit or service pro-
7 vided under a State or tribal program funded under
8 part A of title IV of the Social Security Act in a
9 State described in section 3(a)(2) to a family who
10 the State or Indian tribe deems to be a needy family
11 in accordance with paragraph (1), shall only be con-
12 sidered to be a Hurricane Katrina Emergency
13 TANF Benefit if the State or Indian tribe des-
14 ignates that the benefit or service is to be treated as
15 a Hurricane Katrina Emergency TANF Benefit.

16 “(d) SIMPLIFIED DATA REPORTING.—

17 “(1) IN GENERAL.—Each State or Indian tribe
18 which provides Hurricane Katrina Emergency
19 TANF Benefits shall report to the Secretary of
20 Health and Human Services on a monthly basis the
21 following information:

22 “(A) The total amount of expenditures at-
23 tributable to providing Hurricane Katrina
24 Emergency TANF Benefits.

1 “(B) The total number of families receiv-
2 ing such benefits.

3 “(C) To the extent the State determines it
4 is able to do so, the total amount of such bene-
5 fits provided that are—

6 “(i) cash;

7 “(ii) child care; or

8 “(iii) other benefits and services.

9 “(2) REPORTS TO CONGRESS.—The Secretary
10 of Health and Human Services shall submit, on a
11 monthly basis, a compilation of the reports sub-
12 mitted in accordance with paragraph (1) to the
13 Committee on Finance of the Senate and the Com-
14 mittee on Ways and Means of the House of Rep-
15 resentatives.”.

16 (b) RETROACTIVE EFFECTIVE DATE.—The amend-
17 ment made by subsection (a) shall take effect as if in-
18 cluded in the enactment of the TANF Emergency Re-
19 sponse and Recovery Act of 2005.

20 **Subtitle C—Miscellaneous** 21 **Provisions**

22 **SEC. 221. DISCLOSURE BASED ON VALID AUTHORIZATION.**

23 (a) IN GENERAL.—Section 223(d)(5) of the Social
24 Security Act (42 U.S.C. 423(d)(5)) is amended by adding
25 at the end the following:

1 “(C) Notwithstanding any other provision of law, if
 2 the Commissioner of Social Security provides to a custo-
 3 dian of records a copy, facsimile, or electronic version of
 4 an authorization obtained from the individual to disclose
 5 records to the Commissioner, then such custodian shall
 6 not be held liable under any applicable Federal or State
 7 law for disclosing any record or other information in re-
 8 sponse to such request, on the basis that the authorization
 9 relied upon was a copy, facsimile, or electronic version of
 10 the authorization.”.

11 (b) EFFECTIVE DATE.—The amendment made by
 12 this section shall apply with respect to disclosures of
 13 records or other information made on or after the date
 14 of enactment of this Act.

15 **SEC. 222. EMERGENCY PROCUREMENT AUTHORITY IN SUP-**
 16 **PORT OF HURRICANE KATRINA RESCUE AND**
 17 **RELIEF EFFORTS.**

18 (a) SMALL BUSINESS RESERVATION OFFSET.—Sec-
 19 tion 15(j) of the Small Business Act (15 U.S.C. 644(j))
 20 is amended by adding at the end the following:

21 “(4) For any contracts involving the use of the spe-
 22 cial emergency procurement authority under section
 23 32A(c) of the Office of Federal Procurement Policy Act
 24 (41 U.S.C. 428a(c)), the dollar ceiling of the small busi-
 25 ness reservation established in paragraph (1) shall be ad-

1 justified to match the applicable amount of the simplified
2 acquisition threshold.”.

3 (b) RETENTION OF SMALL BUSINESS SUBCON-
4 TRACTING.—Section 8(d)(4)(D) of the Small Business Act
5 (15 U.S.C. 637(d)(4)(D)) is amended—

6 (1) by striking “(D) No contract” and inserting
7 the following:

8 “(D) SMALL BUSINESS PARTICIPATION.—

9 “(i) IN GENERAL.—No contract”; and

10 (2) by adding at the end the following:

11 “(ii) EMERGENCY PROCUREMENTS.—

12 “(I) IN GENERAL.—For any contract
13 which otherwise meets the requirements of
14 this subsection, and which involves the use
15 of special emergency procurement author-
16 ity under section 32A(c) of the Office of
17 Federal Procurement Policy Act (41
18 U.S.C. 428a(c)), the subcontracting plan
19 required under this subsection shall be ne-
20 gotiated as soon as is practicable, but not
21 later than 30 days after the date on which
22 the contract is awarded.

23 “(II) PAYMENT.—Not greater than
24 50 percent of the amounts due under any
25 contract described in subclause (I) may be

1 paid, unless a subcontracting plan compli-
 2 ant with this subsection is negotiated by
 3 the contractor.”.

4 (c) LIMITATIONS ON INCREASED MICRO-PURCHASE
 5 THRESHOLD.—Notwithstanding any other provision of
 6 law, the authority granted under section 101 of the Sec-
 7 ond Emergency Supplemental Appropriations Act to Meet
 8 Immediate Needs Arising From the Consequences of Hur-
 9 ricane Katrina, 2005 (Public Law 109-62), including the
 10 modifications under subsection (d), shall—

11 (1) be restricted for use solely within the geo-
 12 graphic areas designated by the President as dis-
 13 aster areas due to Hurricane Katrina;

14 (2) not be exercised in a manner inconsistent
 15 with any Federal law providing for local preference
 16 in disaster relief and recovery contracting; and

17 (3) terminate 120 days after the date of enact-
 18 ment of this Act.

19 (d) MODIFIED THRESHOLD.—Notwithstanding sec-
 20 tion 101(2) of the Second Emergency Supplemental Ap-
 21 propriations Act to Meet Immediate Needs Arising From
 22 the Consequences of Hurricane Katrina, 2005 (Public
 23 Law 109–62), the amount specified in subsections (c), (d),
 24 and (f) of the section 32 of the Office of Federal Procure-
 25 ment Policy Act (41 U.S.C. 428) for purchases necessary

1 for support of Hurricane Katrina rescue and relief oper-
2 ations shall be \$50,000, or such an amount in excess of
3 \$50,000, but not to exceed \$250,000, as may be approved
4 by the head of the executive agency concerned (or any del-
5 egate of the head of such executive agency, who shall be
6 an officer or employee of such executive agency who is a
7 warranted contracting officer for making Federal acquisi-
8 tions).

9 (e) OMB GUIDANCE ON USE OF GOVERNMENT
10 CREDIT CARDS FOR MICRO-PURCHASES.—

11 (1) GUIDANCE REQUIRED.—Not later than 14
12 calendar days after the date of enactment of this
13 Act, the Director of the Office of Management and
14 Budget shall issue clear and concise guidance re-
15 garding the use of Government credit cards by Fed-
16 eral agencies to make micro-purchases under sub-
17 sections (c), (d), and (f) of section 32 of the Office
18 of Federal Procurement Policy Act (41 U.S.C. 428),
19 as modified by this section.

20 (2) ELEMENTS.—The guidance under para-
21 graph (1) shall include—

22 (A) a list of Government officials with the
23 authority to approve purchases under sub-
24 section (d) in amounts in excess of \$50,000,
25 designated by agency, title, and pay grade;

1 (B) the number of credit cards, by agency,
2 that may be utilized for purchases under sub-
3 section (d) in amounts in excess of \$50,000;

4 (C) procedures for the immediate review of
5 any purchase under subsection (d) in an
6 amount in excess of \$50,000 that was not ap-
7 proved by an official specified in that paragraph
8 as required by that paragraph;

9 (D) procedures for the audit of all pur-
10 chases made on Government credit cards after
11 the expiration of subsection (d) under sub-
12 section (e); and

13 (E) procedures to ensure that such pur-
14 chases are made with small business concerns
15 and local small business concerns, to the max-
16 imum extent practicable under the cir-
17 cumstances.

18 (3) REPORTS ON PURCHASES.—Not later than
19 180 days after the date of the enactment of this Act,
20 the head of each executive agency making any pur-
21 chase under subsection (d) in an amount in excess
22 of \$50,000 shall submit to the appropriate Congres-
23 sional committees a report on each such purchase
24 made by such agency, including—

1 (A) a description of the property or serv-
2 ices so purchased;

3 (B) a statement of the purpose of such
4 purchase;

5 (C) a statement of the amount of such
6 purchase;

7 (D) a statement of the name, title, and pay
8 grade of the officer or employee of such agency
9 making such purchase; and

10 (E) whether such purchases were made
11 with small business concerns.

12 (4) APPROPRIATE CONGRESSIONAL COMMIT-
13 TEES DEFINED.—In this subsection, the term “ap-
14 propriate Congressional committees” means—

15 (A) the Committees on Appropriations,
16 Small Business and Entrepreneurship, Finance,
17 and Homeland Security and Governmental Af-
18 fairs of the Senate; and

19 (B) the Committees on Appropriations,
20 Small Business, and Government Reform of the
21 House of Representatives.

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